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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 664,505	09 18 2000	Timothy S. Vraa	81500WFN	4599

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PATENT LEGAL STAFF
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EXAMINER

FUREMAN, JARED

ART UNIT PAPER NUMBER

2876

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/664,505

Applicant(s)

VRAA ET AL.

Examiner

Jared J. Fureman

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1,2 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2 and 4-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 18 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Receipt is acknowledged of the notice of appeal, filed on 12/3/2002, the extension of time, RCE, and amendment, filed on 5/2/2003, which have been entered in the file.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 5/2/2003 has been entered. Claims 1, 2, and 4-9 are pending.

Claim Objections

2. Claims 1, 4, 5, and 9 are objected to because of the following informalities:

Re claim 1, line 4: the phrase "sheet-like" renders the claim indefinite because it is unclear as to whether the flexible support is a sheet or something other than a sheet. For examination purposes, the claim has been interpreted so as to require a flexible sheet support.

Re claim 4, line 1: --a-- should be inserted after "is", in order to improve the readability of the claim.

Re claim 5, line 2: "the" should be replaced with --a--, in order to avoid a lack of proper antecedent basis for "the bottom".

Re Claim 9, lines 4, 7, and 9: the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). For examination purposes, the claim has been interpreted so as to not require the limitations following the phrase "such as".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudspeth et al (US 4,736,215) in view of Renner et al (US 5,428,659, cited by applicants).

Hudspeth et al teaches a sheet media package system comprising: packaging (container or cassette 14) for holding a plurality of sheet media (film units 32); an identification device (magnetic recording medium 64) disposed on a flexible sheet support (dark slide 34, which is formed from a cardboard material, and thus can be considered flexible, see column 4 lines 16-19) associated with the package which can be communicated with (via magnetic read head 66), and which stores relevant digital data (film variables, for example); wherein the packaging is a light-tight package (the container or cassette 14 is light-tight, see column 4 lines 12-23) for holding a plurality of sheets of light sensitive media (the film units 32 are light sensitive); wherein the

packaging is a light tight cartridge (the container or cassette 14 can be considered a cartridge) which includes an open tray for holding the plurality of sheet media (the container or cassette 14 includes an exposure window 26) and a resealable cover (the dark slide functions as a resealable cover) closing off the open tray; wherein the identification device is disposed on an insert (the dark slide 34 can be considered an insert) located at a bottom of the cartridge (the magnetic recording medium 64 may be considered at a bottom of the container or cassette 14, in that the term "bottom" is a relative term); wherein the identification device includes digital read/write memory (the magnetic medium 64) and wherein the memory stores digital data representing media type (the film variables represent a media type); wherein the memory stores digital data representing a measure system parameter (for example, the film speed dictates the shutter speed) (see figures 1-3, column 1 lines 14-19, column 2 lines 5-50, column 3 lines 3-13, and column 3 line 50 - column 5 line 50).

Hudspeth et al fails to specifically teach a radio-frequency identification transponder which can be communicated with without physical contact with the transponder; wherein the transponder is disposed on the inside of the packaging; wherein the transponder includes a digital read/write memory and wherein the memory stores digital data representing one or more of cartridge manufacturing history, cartridge recycling data, cartridge error codes, unique transponder ID number, and packaging ID number.

Renner et al teaches a sheet media package system comprising: packaging (cassette 1) for holding a plurality of sheet media (recording material 11); a radio-

frequency identification transponder (coupling device 3) associated with the package which can be communicated with without physical contact (via capacitive coupling interfaces 31-35) with the transponder, and which stores relevant digital data (data relating to a patient, the film and/or cassette, for example, see column 5 lines 14-19); wherein the transponder is disposed on the inside (within recess 12) of the packaging; wherein the transponder includes a digital read/write memory (6) and wherein the memory stores digital data including data related to the package (the memory 6 can store data relating to the cassette, see column 5 lines 14-19, thus suggesting manufacturing history, package ID number, etc.) (see figures 1, 2, 3, 6-8, column 1 lines 45 - 58, column 2 line 49 - column 3 line 10, column 3 line 65 - column 53, and column 5 lines 14-26).

In view of Renner et al's teachings it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Hudspeth et al, a radio-frequency identification transponder which can be communicated with without physical contact with the transponder; wherein the transponder is disposed on the inside of the packaging; wherein the transponder includes a digital read/write memory and wherein the memory stores digital data representing one or more of cartridge manufacturing history, cartridge recycling data, cartridge error codes, unique transponder ID number, and packaging ID number, in order to provide non-contact data transmission, which is not subject to wear as is contact data transmission, and to help protect the identification transponder from damage, by placing the transponder on the inside of the package.

Response to Arguments

5. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. As discussed above, Hudspeth et al as modified by Renner et al teaches a radio-frequency identification transponder disposed on a flexible sheet support.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Buytaert et al (US 6,271,536 B1), Dewaele (US 6,047,257), Tilton (US 6,016,913), Stumpf et al (US 5,475,230), and (JP 6-138588 A) all teach film cassettes or cartridges having a memory device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (703) 305-0424. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

May 17, 2003

Jared J. Fureman
Jared J. Fureman
Art Unit 2876